

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES P. MCCALL,

Plaintiff,

-against-

GOVERNMENT EMPLOYEES
INSURANCE COMPANY (GEICO),
BILELLO & WALISEVER, ATTORNEYS
AT LAW, JAMES BILELLO, EDWIN
SCORZA, LILY S. HOPKINS, CAROLE
HODKIN, MICHAEL RUSSO, AND
JOHN DOE AND JANE DOE (FICTITIOUS
NAMES, REAL IDENTITIES NOT NOW
KNOWN, EMPLOYEES OF GEICO),

Defendants.

Index No.: 04 Civ. 0012 (NGG)
(VP)

ORDER REMANDING
PLAINTIFF'S ACTION
TO NEW YORK STATE
SUPREME COURT
PURSUANT TO 28
U.S.C. § 1447 (c)

NYS Index # 30019/2003

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IT IS HEREBY ORDERED that the above captioned matter be remanded to the Supreme Court of the State of New York, County of Kings, in accordance with 28 U.S.C. § 1447(c); and the consent and stipulation of the parties, dated January 27, 2004.

IT IS FURTHER ORDERED that a certified copy of this order of remand shall be mailed by the clerk of this Court to the clerk of the Supreme Court of the State of New York, County of Kings.

Dated: Brooklyn, New York
February 10, 2004

signed/

NICHOLAS G. GARAUFI
U.S. District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JAMES P. MCCALL,

Plaintiff,

-against-

GOVERNMENT EMPLOYEES
INSURANCE COMPANY (GEICO),
BILELLO & WALISEVER, ATTORNEYS
AT LAW, JAMES BILELLO, EDWIN
SCORZA, LILY S. HOPKINS, CAROLE
HODKIN, MICHAEL RUSSO, AND
JOHN DOE AND JANE DOE (FICTITIOUS
NAMES, REAL IDENTITIES NOT NOW
KNOWN, EMPLOYEES OF GEICO),

Index No.: 04 Civ. 0012 (NGG)

STIPULATION
DISCONTINUING
FEDERAL CAUSES OF
ACTION AND
REMANDING ACTION
TO STATE COURT

Defendants.

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IT IS HEREBY STIPULATED AND AGREED by and between the

undersigned, Plaintiff appearing Pro Se and counsel for Defendants that:

1. Plaintiff's "...EIGHTH CAUSE OF ACTION..." for civil damages pursuant to ERISA and "...TENTH CAUSE OF ACTION..." for civil damages for violation of RICO contained in Plaintiff's Amended Verified Complaint are hereby dismissed with prejudice, to the extent that Plaintiff shall have leave to bring such causes of action only in a complaint in U.S. District Court, and only upon a showing of prima facie merit based upon admissible evidence.

2. Plaintiff's "...SECOND CAUSE OF ACTION..." for wrongful discharge in violation of constitutional rights is modified so that any cause of action based upon a violation of rights guaranteed by the Constitution of the United States is hereby severed

and dismissed with prejudice to the same extent as the causes of action in paragraph "1" above.

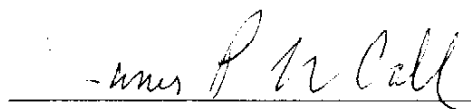
3. The Plaintiff and Defendants hereby consent and jointly seek an order from this honorable Court remanding plaintiff's action to the New York State Supreme Court, Kings County, pursuant to 28 U.S.C. § 1447 (c).

4. Plaintiff shall serve and file a Second Amended Verified Complaint within thirty (30) days of an Order remanding this action to the New York State Supreme Court, Kings County.

5. Defendants shall answer, move, or otherwise respond to such Second Amended Verified Complaint within thirty (30) days of the receipt of such Second Amended Verified Complaint.

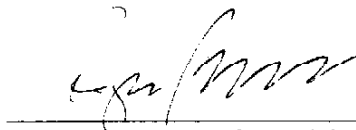
Signatures by facsimile shall be deemed as original.

Dated: Brooklyn, New York
January 27, 2004



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1-718-833-0111



ROGER H. BRITON, ESQ.
JACKSON LEWIS LLP
Attorney for Defendants
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
1-516-364-0404

SO ORDERED on this 10 day of ^{Feb}January, 2004.

signed/

NICHOLAS G. GARAUFIS
United States District Court Judge